

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CORTNI MARIE HOLTHAUS,

Plaintiff,

v.

WASHINGTON DEPARTMENT OF

CORRECTIONS et al.,

Defendants.

Case No. 3:25-cv-05257-TMC

ORDER DENYING MOTION FOR  
RECUSAL

**I. ORDER**

This matter comes before the Court on Pro Se Plaintiff Cortni Marie Holthaus's Motion for Recusal. Dkt. 30. For the reasons explained below, Ms. Holthaus's motion is DENIED, and pursuant to Local Civil Rule 3(f), the undersigned judge directs the clerk to refer the motion to U.S. Chief District Judge David G. Estudillo.

Motions for recusal are governed by 28 U.S.C. § 144 and 28 U.S.C. § 455. Recusal is required if a judge's impartiality might reasonably be questioned or if the judge has a personal bias or prejudice concerning a party. 28 U.S.C. § 455(a), (b)(1). In addition, recusal is required pursuant to Section 144 when a party "files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any

1 adverse party.” 28 U.S.C. § 144. Critically, bias or prejudice sufficient to warrant recusal must  
2 derive from an extrajudicial source. *United States v. Hernandez*, 109 F.3d 1450, 1453–54 (9th  
3 Cir. 1997). “[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality  
4 motion.” *Liteky v. United States*, 510 U.S. 540, 555 (1994).

5 Ms. Holthaus raises three concerns that she argues merit recusal. *See generally* Dkt. 30.  
6 First, Ms. Holthaus asserts that the Court has mischaracterized her filings, suggesting that they  
7 are “repetitive or duplicative” when she claims they are not. Dkt. 30 at 1. Second, she alleges  
8 that the Court overlooked evidence, as the Court has not cited several of her submissions in its  
9 orders. *Id.* at 1–2. And third, Ms. Holthaus notes that the Court has threatened sanctions for filings  
10 that she believes were “appropriate, necessary, and made in good faith.” *Id.* at 2. She claims  
11 these “threats have created an atmosphere of hostility and have made it difficult for Plaintiff to  
12 feel safe in accessing the Court.” *Id.*

13 The Court is unpersuaded that recusal is appropriate. First, Ms. Holthaus does not point  
14 to any “extrajudicial” conduct that warrants recusal. *See Taylor v. Regents of Univ. of California*,  
15 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an  
16 extrajudicial source.”) (citing cases). This means the basis for recusal must be “something other  
17 than rulings, opinions formed or statements made by the judge during the course of trial.” *United*  
18 *States v. Holland*, 519 F.3d 909, 914 (9th Cir. 2008) (citing *Liteky*, 510 U.S. at 554–56).

19 Yet Ms. Holthaus’s concerns all center around the Court’s orders. Ms. Holthaus takes  
20 issue with the Court’s characterization of her filings in its orders. Dkt. 30 at 1. She argues that  
21 the “continued characterization of these efforts as wasteful or duplicative misrepresents the intent  
22 and content of Plaintiff’s filings.” *Id.* The Court understands that Ms. Holthaus disagrees with  
23 the Court’s description of her filings. But disagreement with judicial decisions is not grounds for  
24 recusal since making those decisions is within the undersigned’s judicial capacity. *United States*

1 v. *Studley*, 783 F.2d 934, 939 (9th Cir. 1986) (“The alleged prejudice must result from an  
2 extrajudicial source; a judge’s prior adverse ruling is not sufficient cause for recusal.”).

3 Second, to the extent that Ms. Holthaus argues that the Court’s decision to deny her  
4 requests was the result of bias or animus, *see* Dkt. 26 at 2, Dkt. 30 at 2, these allegations are  
5 conclusory and unsupported. *See United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564,  
6 566 (9th Cir. 1995), *as amended* (May 24, 1995) (“mere conclusory allegations . . . are  
7 insufficient to support a claim of bias or prejudice such that recusal is required”) (citation  
8 omitted).

9 Ms. Holthaus alleges that the Court’s orders failed to acknowledge or review evidence,  
10 and that she fears the evidence was “disregarded.” Dkt. 30 at 1–2. Ms. Holthaus’s motions and  
11 her evidence were fully considered, and only then was the relief sought denied. *See id.* The Court  
12 explained the reasoning in each of its orders. Dkt. 11; Dkt. 16; Dkt. 19; Dkt. 21; Dkt. 25. For  
13 example, in an order denying Ms. Holthaus emergency relief, the Court detailed the very high  
14 bar required for ex parte emergency relief—that is, relief granted without notice to the other  
15 party. Dkt. 16 at 2–3. The Court explained that, though Ms. Holthaus had provided thorough  
16 evidence in her complaint, she had not offered any evidence showing compliance with the  
17 requirements for service and notice necessary for emergency relief. *Id.* at 3. Additionally, the  
18 Court noted, Ms. Holthaus’s motion had not addressed the relevant legal standard. *Id.* This was  
19 alone a sufficient basis to deny the motion. *Id.* (citing cases). The Court highlighted that her  
20 allegations were concerning but acknowledged that she had not met the high bar for ex parte  
21 emergency relief. *Id.* at 4.

22 Ms. Holthaus sought reconsideration of this order. Dkt. 17. She filed a flash drive and  
23 other evidence with the Clerk’s Office. Dkt. 18. The Court reviewed this evidence, as well as her  
24 motion, and concluded that Ms. Holthaus had not met the standard for a motion for

1 reconsideration. *See generally* Dkt. 19. The Court noted that Ms. Holthaus had submitted new  
2 evidence. *Id.* at 2. But, the Court explained, the motion for reconsideration standard requires that  
3 the evidence be newly discovered by the party. *Id.* (citing *Lipson v. On Marine Servs. Co. LLC*,  
4 No. C13-1747, 2014 WL 2048195, at \*3 (W.D. Wash. May 19, 2014)). The Court never said that  
5 the information was duplicative, only that it was not “newly discovered” and could have been  
6 offered earlier. *Id.*

7 Then, Ms. Holthaus again moved for emergency relief and offered a proposed  
8 amendment complaint. Dkt. 20. The Court did note that the motion itself was identical to the  
9 motion the Court had previously denied, save for what appeared to be a missing page and a new  
10 cover page. Dkt. 21 at 2; *see also* Dkt. 20; Dkt. 13; Dkt. 16; Dkt. 19. The Court again reviewed  
11 all of the materials Ms. Holthaus had submitted—including the digital evidence on the flash  
12 drive submitted to the Court. *See* Dkt. 21; Dkt. 20. The Court noted that repetitive filings, such as  
13 repeatedly filing identical motions, could be the basis for sanctions. Dkt. 21 at 2–3.

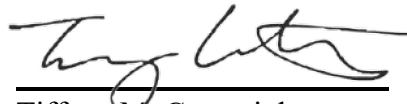
14 These orders serve as the basis for Ms. Holthaus’s motion for recusal. Dkt. 30 at 1–2.  
15 Ms. Holthaus thus does not allege any actions by this Court to support a claim of bias or  
16 prejudice that would warrant recusal. *See \$292,888.04 in U.S. Currency*, 54 F.3d at 566. Thus,  
17 contrary to Ms. Holthaus’s position, the Court took her claims, evidence, and filings into  
18 account, and the Court’s decision against her does not evidence any bias or animus by the Court.  
19 *See Taylor*, 993 F.2d at 712; *Jacobs v. Lanterman Developmental Ctr.*, 202 F. App’x 201, 202  
20 (9th Cir. 2006) (affirming lower court’s dismissal of action with prejudice as a sanction for  
21 repeated motions to recuse presiding judge where recusal was based “solely on adverse  
22 rulings.”).

23 Ultimately, “a judge has as strong a duty to sit when there is no legitimate reason to  
24 recuse as he does to recuse when the law and facts require.” *Clemens v. U.S. Dist. Ct. for the*

1 *Cent. Dist. Of Cal.*, 428 F.3d 1175, 1179 (9th Cir. 2005) (citation modified). Ms. Holthaus has  
2 not provided a legitimate reason for the undersigned judge to recuse. The Court therefore  
3 DENIES her motion for recusal (Dkt. 30) and directs the Clerk to refer the motion to U.S. Chief  
4 District Judge David G. Estudillo.

5 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
6 to any party appearing pro se at said party's last known address.

7 Dated this 31st day of July, 2025.

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9 Tiffany M. Cartwright  
10 United States District Judge  
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